HON'BLE THE CHIEF JUSTICE SHRI G.S. SINGHVI

Writ Petition No. 1197 of 2005

Between:

C. Sathaiah

... Petitioner

And

The Deputy Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi

... Respondent

:: O R D E R ::

Counsel for the petitioner : Shri S. Srinivas Reddy

Counsel for respondent : Shri A. Rajashekar Reddy

21.02.2007

The only complaint made in this petition filed under Article 226 of the Constitution of India is that despite sanction of pension vide letter No.112/85/97-FF (Hyd cell) dated 22.02.1998, the respondent has not released the amount of pension.

Learned counsel for the petitioner invited my attention to the averments contained in the affidavit of the petitioner to show that after receipt of communication dated 22.02.1998, the petitioner has submitted the requisite documents which have been duly received by the concerned authority of the Government of India. He submitted that notwithstanding the fulfilment of the conditions by the petitioner and furnishing of the documents, the respondent has not released the amount of pension.

Shri A. Rajashekar Reddy, learned Assistant Solicitor General referred to the averments contained in the counter-affidavit and submitted that the amount of pension has not been released in favour

of the petitioner because the Government of India is getting a detailed enquiry conducted into the genuineness of the recommendations made by Hyderabad Special Screening Committee constituted to scrutinise the claims made by those who are said to have participated in Hyderabad Liberation Movement. He, however, conceded that so far the decision contained in letter dated 22.02.1998 has not been reviewed/recalled after complying with the rules of natural justice.

In my opinion, the petitioner is entitled to receive the amount of pension because the sanction accorded by the Government of India vide letter dated 22.02.1998 has not been withdrawn, annulled or modified.

In the result, the writ petition is allowed. The respondent is directed to release the amount of pension payable to the petitioner under Swatantrata Sainik Samman Pension Scheme, 1980 within three months from the date of receipt of copy of this order. However, it is made clear that if for good and sufficient reasons the competent authority comes to the conclusion that the grant made in favour of the petitioner is vitiated by fraud or manipulation, the concerned authority shall be free to take appropriate action in the matter after complying with the rules of natural justice.

As a sequel to disposal of the writ petition, W.P.M.P.No.1574 of 2005 filed by the petitioner for interim relief is disposed of as infructuous.

G.S. SINGHVI, CJ

February 21, 2007
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